THE HONOURABLE SRI JUSTICE C.V.RAMULU

WRIT PETITION No.20442 OF 2000

DATED: 09.08.2006

Between:

Gaddam Narayana

….Petitioner

AND

The Government of Andhra Pradesh
represented by its Secretary,
Food and Agriculture Department,
Secretariat, Hyderabad and others

…Respondents

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WRIT PETITION No.20442 OF 2000

ORDER:

This writ petition is filed seeking a writ of mandamus directing the respondents to initiate the proceedings under Land Acquisition Act and to pay compensation in respect of the land to an extent of Ac.0.03 guntas out of Ac.0.14 guntas of land situated in Survey No.1179 (Dry) of Bhiknoor Village and Mandal, Nizamabad District.

It is the case of the petitioner that he hails from an agricultural family and he is the owner and possessor of patta land bearing Survey No,. 1179 (Dry) to an extent of Ac.0.03 guntas out of the total extent held by him i.e., Ac.0.14 guntas situated at Bhiknoor Village and Mandal, Nizamabad District. He inherited the said properties from his ancestors. During the life time of his father, the Agriculture Department had taken possession of the vacant land to an extent of Ac.0.03 guntas situated in Survey No.1179/Dry of Bhiknoor Village and Mandal, Nizamabad District for construction of temporary sheds i.e., godowns, for the purpose of storage of fertilizers promising that his father would be paid compensation or reasonable rent as fixed by the Government. However, neither any rents are paid nor any compensation is granted in respect of the said land though the authorities are utilizing the same for some time now. In this regard, he made several representations. After examining the representation, the District Collector, Nizamabad *vide* memo No.C9/4077/87, dated 14.05.1987 directed him to approach the Revenue Divisional Officer, Kamareddy for claiming compensation with regard to the land, which was taken possession by the agriculture department. Though he approached the Revenue Divisional Officer several times nothing was fructified. Therefore, this writ petition.

A detailed counter has been filed on behalf of the respondents stating that the disputed land to an extent of Ac.0.03 guntas is a Government land, wherein godown was situated, which was in possession of the department since 1950 onwards. Afterwards, orders were issued by the Government as per G.O.Ms.No.4 Agriculture (Godown Trust Fund) Department dated 02.01.1963. It is open for the petitioner to agitate his title in the appropriate forum.

Heard both sides.

The petitioner claimed to be the owner, possessor and pattedar of vacant land bearing Survey No. 1179/Dry to an extent of Ac.0.03 guntas, situated at Bhiknoor Village and Mandal, Nizamabad District. The said land is not vacant, but occupied by the Agriculture Department and G.T.F. Godown is existing in the land to an extent of Ac.0.03. guntas situated at Bhiknoor Village and Mandal, Nizamabad District. The purported copy of G.O.Ms.No.4 Agriculture (Godown Trust Fund) Department dated 2.1.1963 is appended to the counter. The G.O. does not reveal that the land in question is a Government land and therefore, the land is transferred to the agriculture department. It is not the land, which is transferred to them but it is the godowns which are in possession of the agriculture department, were directed to be retained permanently by the Agriculture Department. Therefore, there is no proof to say that this particular land was transferred in the name of Agriculture Department.

In view of the above, the Revenue Divisional Officer, Kamareddy is directed to conduct a survey with the help of the Mandal Surveyor and decide as to whether Ac.0.03 gutnas of land forming part of Survey No.1179/Dry of Bhiknoor Village and Mandal, Nizamabad District is a Government land or is a private land as claimed by the petitioner and thereafter, on the basis of the report of the Revenue Divisional Officer, the Agriculture Department shall take appropriate steps as required under law. The Revenue Divisional Officer shall complete this

exercise within a period of three months from the date of receipt of a copy of this order. The Agricultural Department immediately thereafter initiate proceedings as necessary under law as per the report of the Revenue Divisional Officer.

The Writ Petition is disposed of accordingly. No costs.

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09th August, 2006

Note:

Issue C.C. within one week

(By order)

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